

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ROBERT C. MARKS, SR.,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:07-0095
)	Judge Trauger
STATE OF TENNESSEE,)	Magistrate Judge Bryant
)	
Defendant.)	

ORDER

The plaintiff has filed a “Motion for *De Novo* Determination by District Judge” (Docket No. 22), to which the defendant has filed a response (Docket No. 24). The plaintiff’s motion is addressed to a Report and Recommendation issued by the Magistrate Judge on July 18, 2008 that recommended dismissal of this case on subject matter jurisdiction grounds (Docket No. 20).

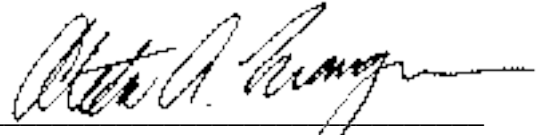
Because the Report and Recommendation relates to a dispositive matter, this court must review *de novo* any portion of the Report and Recommendation to which a specific objection is made. Rule 72(b), FED. R. CIV. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993).

The court finds nothing in the plaintiff’s motion that was not raised originally on the defendant’s Motion to Dismiss (Docket No. 4) and that was not thoroughly addressed by the Magistrate Judge in the Report and Recommendation. The court has independently reviewed the record in this case and finds no basis upon which to conclude that this court has subject matter jurisdiction over the plaintiff’s claims. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons

expressed therein, it is hereby **ORDERED** that this case is **DISMISSED** for lack of subject matter jurisdiction. Pursuant to Rule 41(b), this dismissal is without prejudice.

It is so **ORDERED**.

Enter this 18th day of September 2008.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

ALETA A. TRAUGER
U.S. District Judge